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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,198	12/02/2003	Simon Robert Walmsley	PEA23US	4548

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AUSTRALIA

EXAMINER

TON, MY TRANG

ART UNIT PAPER NUMBER

2816

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,198

Applicant(s)

WALMSLEY, SIMON ROBERT

Examiner

My-Trang N. Ton

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/02/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The disclosure is objected to because of the following informalities:

Some of the subject matter disclosed in the specification is entirely outside the bounds of the presently claimed invention. Insofar as understood, all claims are appeared to read on Fig. 348 and maybe Figs. 277-278, 328-347, 349-352, 411-412, it is not seen where the specification of from 10-50 pages with not adequately support these figures. While it is appreciate that a great deal of work is required to comply with this requirement, the burden of providing a disclosure to the public in compliance with the statues is a far greater one.

Drawings

1. Figure 353 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "determine a temperature of the integrated circuit and to alter an output of the system clock based on the temperature" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected as being indefinite since it is unclear how the limitation "the integrated circuit including a clock filter configured to determine a temperature of the integrated circuit and to alter an output of the system clock based on the temperature" reads on the preferred embodiment. As disclosed in the specification, the clock filter is referred to Fig. 348. It is not fully clear how is Fig. 348 (the clock filter) interconnected to interrelated with "the integrated circuit". What figure constitutes "the integrated circuit including a clock filter" to perform the "determine" and "alter" function as recited therein? When and how do "the clock filter configured to determine a temperature of the integrated circuit and to alter an output of the system clock based on the temperature" occur? In order to avoid any confusion, Applicant is required to particularly point out how this limitation reads on the circuit arrangement of the drawings.

Claims 2-6 are similarly rejected as claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are, insofar as understood, rejected under 35 U.S.C. 102(b) as being anticipated by Kitano (U.S Patent No. 5,870,267).

Kitano discloses in Figs. 1-2 a semiconductor integrated circuit device including:

The integrated circuit (Fig. 1) including an on-board system clock (CK, Fig. 2), the integrated circuit (Fig. 1) including a clock filter (4) configured to determine a temperature of the integrated circuit (Fig. 1) and to alter an output of the system clock (CK) based on the temperature as recited in claim 1. See the abstract, lines 6 – last line.

Regarding claim 2: the clock filter (4) is configured to alter the output of the system clock (CK) in the event the temperature is outside a predetermined temperature range (see col. 2, lines 23-33).

Regarding claims 3-6: figs. 1-2 of Kitano is capable of performing the function as recited in these claims. See col. 5, lines 8-21.

Claims 1-6 are, insofar as understood, also rejected under 35 U.S.C. 102(b) as being anticipated by Kawai et al (U.S Patent No. 6,560,164).

Kawai et al disclose in Figs. 1-3 a semiconductor integrated circuit device including:

The integrated circuit (1) including an on-board system clock (CLK), the integrated circuit (1) including a clock filter (3) configured to determine a temperature (4) of the integrated circuit (1) and to alter an output of the system clock (CLK) based on the temperature (4) as recited in claim 1. See the abstract.

Regarding claim 2: the clock filter (3) is configured to alter the output of the system clock (CLK) in the event the temperature is outside a predetermined temperature range (ΦA , ΦB , ΦC act as a temperature detection and specify an operating temperature range to alter the output of the system clock CLK).

Regarding claim 3: Element 2 reads on one or more logical circuits on the integrated circuit as recited in claim 3. The output includes preventing the clock signal (CLK) from reaching one or more logical circuits (2) on the integrated circuit (1) to which it would otherwise be applied (generating CLK having a cycle changed according to output signal of the temperature detecting circuit 3).

Regarding claims 4-6: the semiconductor integrated circuit device of Kawai et al is capable of performing the function as recited in these claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Trang N. Ton whose telephone number is 571-272-1754. The examiner can normally be reached on 7:00 a.m - 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 9, 2004



MY-TRANG NUTON
PRIMARY EXAMINER